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Please type a plus sign (+) inside this box ☐Attorney Docket P1084R1-1C1  
PATENT

## CERTIFICATION UNDER 37 CFR 1.10

EL 809 447 101 US: Express Mail Number

June 8, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

*Pamela Gavette*  
Pamela Gavette

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Paul J. Godowski, Burlingame, California  
Melanie Rose Mark, Burlingame, California  
Dong-Xiao Zhang, Burlingame, California

Title: **ErbB4 Receptor-Specific Neuregulin Related Ligands and Uses Therefor****1. Type of Application**

- [ ] This application is for an original, non-provisional application.
- [ ] This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- [X] This is a [ ] continuation-in-part [X] continuation [ ] divisional application claiming priority to application Serial Number 09/109,206, filed June 30, 1998, which claims priority to provisional application no. 60/052,019, filed July 9, 1997, the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional )**

121 pages of specification  
5 pages of claims  
1 page(s) of abstract  
8 sheet(s) of drawings  
[x] formal [ ] informal

06/08/01  
jc839 U.S. PTO

1033 U.S. PTO  
09/877665  
06/08/01

3/a  
H.G.  
12/15/01

09877665-060801

**3. Declaration or Oath**

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)

☐ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)

☒ A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

☐ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

(for new and CIP applications)

☐ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)

☒ The prior application is assigned of record to Genentech, Inc.

**5. Amendments (for continuation and divisional applications)**

☒ Cancel in this application original claims 1-33, and 37-38 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

☒ Amend the specification by inserting before the first line the sentence:

This is a

☐ non-provisional application

☒ continuation

☐ divisional

☐ continuation-in-part

of co-pending application(s)

☒ Serial No. 09/109,206 filed on 30 June 1998, which claims priority to provisional application no. 60/052,019, filed July 9, 1997, which application(s) is(are) incorporated

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herein by reference and to which application(s) priority is claimed under 35 USC §120. --  
 \_\_\_\_\_ International Application \_ filed on \_ which designated the U.S., which application(s) is(are)  
 incorporated herein by reference and to which application(s) priority is claimed under 35 USC  
 §120.--  
 \_\_\_\_\_ provisional application No. \_ filed \_\_, the entire disclosure of which is hereby incorporated by  
 reference and to which application(s) priority is claimed under 35 USC §119.--

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	3	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$80.00	\$0.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$710.00

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

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- ☒ A petition, fee and/or response has been filed to extend the term in the pending prior application until June 8, 2001
- ☒ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

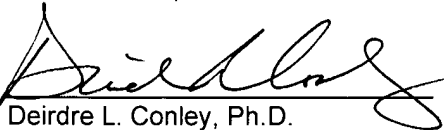
☒ Address all future communications to:

Attn: Deirdre L. Conley, Ph.D.

Respectfully submitted,  
GENENTECH, INC.

Date: June 8, 2001

By:



Deirdre L. Conley, Ph.D.

Reg. No. 36,487

Telephone No. (650) 225-2066



09157

PATENT TRADEMARK OFFICE

09157155-060901

COPY

Patent Docket P1084R1-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11033 U.S. PTO  
09/877665  
06/08/01

In re Application of Paul J. Godowski et al. Serial No.: 09/109,206 Filed: 30 June 1998 For: ErbB4 Receptor-Specific Neuregulin Related Ligands and Uses Therefor	Group Art Unit: 1646 Examiner: Michael D. Pak  <b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on June 8, 2001 <i>Pamela Gavette</i> Pamela Gavette
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**PETITION AND FEE FOR ONE MONTH EXTENSION OF TIME**  
**(37 CFR 1.136(a))**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicant petitions the Commissioner of Patents and Trademarks to extend the time for response to the final office action dated December 6, 2000, the Notice of Appeal having been filed on March 8, 2001, with the Appeal Brief due April 8, 2001. This one month extension of time and fees extends the period for response to and including June 8, 2001. The extended time for response does not exceed the statutory period.

Please charge Deposit Account No. 07-0630 in the amount of \$110 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

Respectfully submitted,  
GENENTECH, INC.

Date: June 8, 2001

By: *Deirdre L. Conley*  
Deirdre L. Conley, Ph.D.  
Reg. No. 36,487  
Telephone No. (650) 225-2066



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PATENT TRADEMARK OFFICE